

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

1

Court Minutes

January 28, 2008

- C052066 THE PEOPLE v. QUINTANA (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Scotland, P.J.
Hull, J.
- C052515 THE PEOPLE v. BENNETT (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Blease, J.
- C054699 THE PEOPLE v. SPAULDING (Not For Publication)**
The judgment is affirmed. The trial court is direct to prepare an amended abstract of judgment reflecting the concurrent terms imposed as set for in this opinion and to forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Blease, Acting P.J.
Davis, J.
- C056104 THE PEOPLE v. SOBEY (Not For Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C054588 JOHNSON v. MILLER (Not For Publication)**
The judgment is reversed and the case is remanded to the trial court for further proceedings. On remand, the trial court is to make factual findings on the issue of anticipatory breach of the bilateral contract for the sale of land to determine whether there was an anticipatory breach of that contract by either part in this case. Johnson shall receive his costs on appeal. ...
ROBIE, J.
We Concur: Davis, Acting P.J.
Butz, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

2

Court Minutes

January 29, 2008

- C050128 THE PEOPLE v. WALTZ (Not For Publication)**
The judgment is affirmed with directions to the trial court to (1) correct the attachment page of the amended abstract of judgment to show a total of four years, rather than three, for the four counts listed, (2) add defendant's convictions for counts six through nine and the respective six-year concurrent term for each to the abstract, and (3) delete the surname of the minor victims where it appears in the financial obligation portion of the amended abstract and replace it with the first initial of the surname. A certified copy of the second amended abstract shall be forwarded to the Department of Corrections and Rehabilitation.
BUTZ, J.
We Concur: Nicholson, Acting P. J.
Morrison, J.
- C053124 THE PEOPLE v. BROOKS (Not For Publication)**
The judgment is affirmed.
NICHOLSON, J.
We Concur: Sims, Acting P.J.
Butz, J.
- C051061 BARE v. LAKE SHASTINA COMMUNITY SERVICES DISTRICT et al. (Not For Publication)**
The judgment and the order awarding Bare attorney fees and costs are affirmed. Bare shall recover his costs on appeal. ...
ROBIE, J.
We Concur: Nicholson, Acting P.J.
Hull, J.
- C055227 SEABRITH INSURANCE COMPANY v. WORKERS' COMPENSATION APPEALS BOARD; FITZPATRICK**
C055399 FITZPATRICK v. WORKERS' COMPENSATION APPEALS BOARD et al. (Not For Publication)
As to temporary disability and the rating of applicant's permanent disability, the WCAB's decision is affirmed; as to apportionment, it is vacated and the matter is remanded for further proceedings in light of this opinion. The parties shall bear their own costs. ...
SIMS, Acting P.J.
We Concur: Morrison, J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

3

Court Minutes

January 30, 2008

- C052249 THE PEOPLE v. HILL (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Davis, Acting P.J.
Hull, J.
- C053484 THE PEOPLE v. CLARK (Not For Publication)**
Defendant's sentence in count one is modified to a one-year term ... plus three years four months for the enhancement, for a total term of four years four months. These terms are stayed. The remaining \$10 section 1202.5 fine shall be noted on part nine of the second amended abstract. As modified, the judgment is affirmed. The trial court shall prepare an amended abstract of judgment reflecting these modifications and ... forward a certified copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation.
NICHOLSON, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C053741 THE PEOPLE v. KARELAS (Not For Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Scotland, P.J.
Cantil-Sakauye, J.
- C053776 THE PEOPLE v. BATMAN (Certified For Publication)**
The judgment is modified by striking the DNA penalty assessments of \$144 imposed by the trial court As modified, the judgment is affirmed.
ROBIE, J.
We Concur: Sims, Acting P.J.
Nicholson, J.
- C054219 THE PEOPLE v. HOWARD (Not For Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Davis, Acting P.J.
Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

4

Court Minutes

January 30, 2008, continued

C054252 THE PEOPLE v. NICHOLLS (Certified For Partial Publication)

The abstract of judgment is modified to show actual credits of 443 days, and total credits of 509 days. The trial court is directed to prepare an amended abstract of judgment and forward a certified copy of it to the Department of Corrections and Rehabilitation. The judgment is otherwise affirmed.

SIMS, Acting P.J.

We Concur: Davis, J.

Morrison, J.

C055031 THE PEOPLE v. SLATER (Not For Publication)

The appeal is dismissed.

HULL, J.

I Concur: Nicholson, Acting P.J.

I respectfully dissent...

Robie, J.

C053755 BROOKS v. STEARNS (Not For Publication)

The appeal is dismissed. Brooks shall pay costs on appeal. ...

BLEASE, Acting P.J.

We Concur: Nicholson, J.

Hull, J.

**C054328 In re G.S.; EL DORADO COUNTY (Not For Publication)
DEPARTMENT OF SOCIAL SERVICES v.
D.S.**

The orders of the juvenile court are affirmed.

RAYE, J.

We Concur: Davis, Acting P.J.

Butz, J.

**C054741 In re D.H.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES; SEQUOIA T. et al. v. ZINA W.**

The orders of the juvenile court are affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.

Robie, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

5

Court Minutes

January 30, 2008, continued

C056493 In re A.V.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. E.S.

The judgment is affirmed.

ROBIE, J.

We Concur: Sims, Acting P.J.
 Nicholson, J.

January 31, 2008

C052404 THE PEOPLE v. SAM (Not For Publication)

The judgment is modified to stay execution of sentence on count 12 In all other respects, the judgment is affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.
 Cantil-Sakauye, J.

C053956 THE PEOPLE v. FLORES (Not For Publication)

The judgment is affirmed.

MORRISON, J.

We Concur: Blease, Acting P.J.
 Raye, J.

C053918 NOBLE et al. v. DRAPER et al. (Certified For Publication)

The judgment is affirmed in its entirety as against Manuel Moreno. The portion of the judgment entering judgment on the pleadings in favor of defendants on the eighth count (intentional infliction of emotional distress) is affirmed. The portion of the judgment dismissing the fourth, fifth, sixth, and seventh counts is reversed as to plaintiffs Joaquin Noble and Jose Antonio Hernandez.

Plaintiffs Joaquin Noble and Jose Antonio Hernandez shall recover their costs from defendants. ... As to the other plaintiffs, they and defendants shall bear their own costs. ..

SIMS, Acting P.J.

We Concur: Morrison, J.
 Cantil-Sakauye, J.

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

6

Court Minutes

February 1, 2008

**C053067 GALLO CATTLE COMPANY v. A. G. (Certified For Publication)
KAWAMURA, as Secretary, etc.**

The judgment is affirmed. Respondent shall recover its costs on appeal.

...

BUTZ, J.

We Concur: Robie, Acting P.J.

Cantil-Sakayue, J.

**C054780 VASQUEZ v. HAPPY VALLEY UNION (Certified For Publication)
SCHOOL DISTRICT et al.**

The judgment is affirmed. Costs on appeal are awarded to the District. ...

NICHOLSON, J.

We Concur: Blease, Acting P.J.

Hull, J.

C055155 In re J.G. on Habeas Corpus (Certified For Publication)

The petition for writ of habeas corpus is granted. California Code of Regulations ... is void as to petitioner and others who are similarly situated Respondent is directed to permit petitioner to appear in person at his parole hearing, whether by having the Board meet with petitioner at the federal institution where he is confined, arranging with corresponding federal officials to meet with petitioner and carry out the Board's term-fixing and parole functions, or otherwise designating a time and place in California where petitioner may be produced by federal authorities to meet with the Board for his parole hearing.

CANTIL-SAKAYUE, J.

We Concur: Sims, Acting P.J.

Morrison, J.